

February 6, 2023

BY E-FILE AND EMAIL

The Honorable Sean H. Lane
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140

Re: *In re 85 Flatbush RHO Mezz LLC, et al.*, Case No. 20-23280 (SHL)

Dear Judge Lane,

We write to follow up on our Motion to Make Claim Against Appeal Bond No. 800131886, filed on December 13, 2022, at Docket No. 370 (the "Motion"). As you know from the oral argument held on this Motion on January 11, 2023, TH Holdco believes it has established damages in excess of the \$5 million available under the appeal bond resulting from the Mezzanine Lender's failed appeal and the imposition of the stay pending appeal. In accordance with the Court's statements at the hearing, however, TH Holdco reached out to the Mezzanine Lender following the January 11th oral argument to see whether the Mezzanine Lender intended to tender a compromise offer on the bond. To date, the Mezzanine Lender has not made an offer and has given no indication that an offer will be forthcoming. Accordingly, TH Holdco respectfully requests that this Court issue a ruling on the Motion.

Very truly yours,



Lauren Macksoud
Partner

LM:lm